Equality and Human Rights Commission

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Minutes of the 124th meeting of the Board of the EHRC

Tuesday 25 March 2025 (09:30 – 14:10)
Tintagel House, 92 Albert Embankment, London, SE1 7TY

In attendance

Commissioners

Kishwer Falkner (Chairwoman), Lesley Sawers (Deputy Chair) (V), Alasdair Henderson, Joanne Cash (items 1 to 8), Kunle Olulode (items 1 to 7 and 10 to 11), Martyn Jones, Akua Reindorf, Keith Richards, John Kirkpatrick (Chief Executive)

Officers

Penny Hobman, Deputy Chief Executive Moya Alcock, Director of Communications Cihan Altan, Chief of Staff
Amanda Topham, Head of Corporate Law and Information Governance
Anna Boaden, Director of Policy, Strategy, Human Rights Monitoring and Three Nations (items 7, 8, 9)
Martin Crick, Director of Regulation (item 7) Charles Hamilton, Policy Principal (items 8 and 9)
Beverley Reid, Head of Business Improvement (item 10)

Miriam Bookman, Private Secretary Nicholas Joseph, Private Secretary

Guests

Helen Anderson, Office for Equality and Opportunity

Observers

Arthur Babumba, Director of Finance, Planning and Governance

1. Chairwoman's introduction and apologies

1.1 The Chairwoman welcomed attendees to the meeting.

2. Declarations of interest

2.1 Commissioner Reindorf declared she has recently advised a union on single-sex services in the public sector. It was agreed that, given the nature of this involvement, recusal on item 7 was not required.

2.2 The Wales Committee Chair, Martyn Jones, declared his involvement in a working group to the National Police Chief's Council (NPCC) on their single-sex guidance and agreed to recuse himself from item 7 due to the close links with the subject matter.

2.3 Helen Anderson was recused from item 7.

2.4 Commissioner Olulode declared that he is advising on the new Procurement Act on behalf of small businesses and voluntary organisations.

3. Minutes of the 123rd Board Meeting

3.1 The Board approved the minutes of the 123rd meeting.

3.2 Members noted resolutions previously agreed by correspondence:

a) Amendments to the Terms of Reference for the Scotland and Wales Committees.
b) The extension to the appointment of Martyn Jones as Acting Committee Chair for the Wales Committee until 30 November 2025 (or the date the new Wales Commissioner is appointed, if earlier).

4. Actions Arising

4.1 The Board considered progress against actions previously arising.

4.2 The Scotland Commissioner said a working group had convened twice to progress the Memorandum of Understanding (MoU) with the Scottish Human Rights Commission, for ratification by the Board later this year (2025).

5. Updates and assurance from committees

5.1 The Audit and Risk Assurance Committee (ARAC) Chair reported:

a) The ARAC Chair would shortly meet with the People and Workspace Committee (PWC) Chair, Board Deputy Chair and Board Chairwoman to discuss policy delegation between committees and the Board.
b) ARAC had discussed EHRC's forecasted underspend for the 24/25 Financial Year and learnings for future budget management.
c) A health and safety audit report would outline areas for improvement. ARAC would evaluate any actions proposed and advise the Board accordingly.

5.2 Board members noted dissatisfaction with the audit cost from the National Audit Office (NAO) and the disproportionate nature of audit activity required across small arm's length bodies relative to large government departments.

Action: Chief Executive to write to the Public Accounts Committee outlining concerns with audit requirements and associated fees.

5.3 The Scotland Commissioner reported that the Scotland Committee:

a) Endorsed EHRC's approach to engagement with the Scottish Government and NHS Fife.
b) Would dedicate its May development day to an effectiveness review.

5.4 The Wales Committee Chair reported that the Wales Committee advised:

a) clarity in use of the term 'nation'.
b) exploring technology solutions to support the transition to agile working.

5.5 The Public Reporting Committee Chair advised that the committee had:

a) Agreed a name change to the shorter 'Public Reporting Committee' (from the previous 'Quality in Public Reporting Committee').
b) Agreed a rolling policy schedule should be provided to the Board on a regular basis to enable delegation of activities as required.
c) Concluded that the EHRC executive would decide whether Equality Impact Assessments (EIAs) should be produced for strategic policy decisions on a case-by-case basis in keeping with PSED principles and requirements, with careful consideration given to proportionality. These would not be published unless there was an exceptional reason to do so and the Board agreed.

6. Chief Executive's Report

6.1 The Chief Executive gave an update on business in the latest reporting period, including:

a) International engagement at the General Assembly of the Global Alliance of National Human Rights Institutions and with the Four Jurisdictions.
b) Monitoring of noteworthy judicial cases.
c) Progress on the EHRC's investigation into the Department for Work and Pensions.
d) Enforcement action, including in relation to McDonald's franchisees regarding their obligations to prevent sexual harassment.
e) Recruitment of an interim finance director and progress on recruitment to the permanent role.
f) Engagement with the new Minister for Women and Equalities, appointed on 7 March.

6.2 The Board noted the Chief Executive's report and communications opportunities with respect to DWP enforcement activity and the government's welfare reform measures.

6.3 Members noted that EHRC should consider how welfare assessments and payments are carried out in devolved administrations when developing policy positions, due to differences in approach.

Action: To consider opportunities for media engagement highlighting EHRC work relating to the UK government's welfare reform agenda.

6.4 Members discussed ways of prioritising work across EHRC, consistent with the agile pillar in the new strategic plan.

6.5 [Redacted due to confidentiality]

6.6 Members were updated that advice would be forthcoming on engagement with Network Rail regarding access issues.

6.7 Members discussed the implications of facial recognition technology being deployed in Croydon and agreed that any assertions regarding effective measures in place to avoid bias or discrimination would need to be thoroughly evidence tested.

7. Response to Evidence Shared by the Office for Equality and Opportunity in relation to single-sex services guidance

7.1 Members noted recent updates and activities in relation to the review of materials supplied by the Office for Equality and Opportunity.

7.2 Officers proposed writing to organisations with non-compliant policies, particularly where there were serious breaches and for the updated Code of Practice to be the principal regulatory lever once published.

7.3 The Board discussed the interplay between the Equality Act 2010 and the Workplace (Health, Safety and Welfare) Regulations 1992 and a need for greater clarity for workplaces on single-sex spaces. The Board suggested updating guidance for employers following the update to the Code of Practice for services, public functions and associations.

7.4 The Board would be kept informed following engagement with the Health and Safety Executive on respective roles.

Action: Board to be updated on actions to provide clarity to workplaces on single-sex spaces following engagement with the Health and Safety Executive.

7.5 The Board agreed to informal follow-up with the National Police Chief's Council with a view to reviewing their guidance prior to its publication.

Action: officers to request informal review of NPCC guidance ahead of publication.

7.6 Members agreed that EHRC's letter to the Minister for Women and Equalities on the draft services Code of Practice should include proposals noted in this discussion.

7.7 The Board discussed the relevance of the recently published report by Professor Alice Sullivan: Review of data, statistics and research on sex and gender, agreeing that EHRC should write to the Chancellor of the Duchy of Lancaster and the Cabinet Office Permanent Secretary encouraging training for civil servants on impartiality.

Action: Officers to write to the Chancellor of the Duchy of Lancaster or the Cabinet Office Permanent Secretary encouraging training for civil servants on impartiality.

8. Equality Action Plans and extension of disability and ethnicity pay reporting

8.1 Officers advised that the consultation on Equality (Race and Disability) Bill mandatory ethnicity and disability pay gap reporting had opened on 18 March and would close on 25 June 2025.

8.2 Members discussed potential unintended consequences of legislating for additional pay gap reporting. The Board agreed that EHRC's consultation response should emphasise the need for effective enforcement and that we should have discussions with officials to seek reconsideration and clarity of the objectives, roles and responsibilities of the changes.

8.3 If implemented, Board members endorsed the idea that the Office for Equality and Opportunity or the Fair Work Agency should implement the enforcement, and that the EHRC should respond to intelligence drawn from the data as part of its regulatory role.

8.4 Members agreed that the consultation response should be delegated to the Public Reporting Committee for clearance.

9. Unimplemented Equality Act 2010 Provisions

9.1 The Board discussed the potential implications of implementing sections 1, 14 and 106 of the Equality Act 2010.

9.2 Members agreed that EHRC should request further information on proposals from the Office for Equality and Opportunity (OEO) and relevant data and metrics that underpin potential changes.

9.3 The Board agreed to delegate consideration of EHRC's position to the Public Reporting Committee, in first instance.

Action: EHRC to request further information from the OEO on unimplemented provisions of the Equality Act.

10. Business Plan 2025/26

10.1 Members:

a) discussed the draft Business Plan and narrative and supported shifting to a quarterly business planning cycle.

b) made content suggestions relating to EHRC's role as a mediator on balance of rights issues.
c) requested further consideration at a future meeting.

10.2 The Chief Executive invited further input from commissioners ahead of the next meeting.

Action: Business Plan and narrative to be tabled for the May 2025 Board meeting.

11. Any Other Business

11.1 Members noted the forward look.

11.2 The next meeting would be on 14 and 15 May 2025 in Glasgow.